

ASSEMBLY BILL

No. 2422

Introduced by Assembly Member Machado

February 24, 2000

An act to amend Section 8555 of the Business and Professions Code, and to add Section 17592.6 to the Education Code, relating to pest control, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2422, as introduced, Machado. School facilities: pest control.

(1) Under existing law, the Structural Pest Control Board regulates the practice of structural pest control applicators, defined as any individual who is licensed by the board to apply a pesticide, rodenticide, or allied chemicals or substances for certain purposes. Under existing law, government agencies, state, federal, city, and county officials, and their employees while officially engaged are not subject to regulation as a pest control applicator.

Any person who is licensed by the board as a structural pest control applicator is required to pay a license fee, which is deposited in the Structural Pest Control Device Fund, which is a continuously appropriated fund. Any person who pays a certain fee required by those provisions, is required to pay an additional fee of \$2 for each pesticide use stamp purchased from the board, and this fee is deposited in the Structural Pest Control Research Fund, which is a continuously appropriated

fund. A violation of those provisions is a misdemeanor, punishable by a specified fine or imprisonment, or both.

This bill would revise that exemption to provide that it does not apply to a school district that is engaged in the practice of structural pest control application at a schoolsite. The bill would require a school district, when performing any of the activities related to structural pest control application, either through a commercial enterprise or its own employees, to ensure that any structural pest control application activity at a school facility is performed by a licensed structural pest control applicator, who meets all requirements otherwise applicable to structural pest control application. This bill would also require any person who performs structural pest control application at a school facility to make a specified reporting to the Department of Pesticide Regulation.

By increasing the amount of money that is deposited in the Structural Pest Control Device Fund the Structural Pest Control Research Fund which are continuously appropriated funds, the bill would make an appropriation.

(2) Under existing law, a person who is regularly engaged in the business of maintenance gardening and who desires to engage in pest control for hire incidental to that business is required to qualify for a pest control business license in the maintenance gardener category by passing the certified commercial applicators examination.

This bill would require a school district, when performing landscape or garden maintenance at a school facility, either by using a commercial business enterprise or its own employees, to ensure that any landscape or gardening maintenance is performed by a person who has obtained a pest control business license in the maintenance gardener category by passing that examination, and who meets all applicable requirements otherwise applicable to that activity. The bill would also require any person who performs landscape or garden maintenance at a school facility to make a specified reporting to the Department of Pesticide Regulation.

(3) By imposing new duties on school districts regarding the requirements that school employees must meet in performing the activities described in (1) and (2), the bill would impose a state-mandated local program.



The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8555 of the Business and
2 Professions Code is amended to read:
3 8555. This chapter does not apply to:
4 (a) Public utilities operating under the regulations of
5 the Public Utilities Commission, except to work
6 performed upon property of the utilities not subject to
7 the jurisdiction of the Public Utilities Commission or work
8 done by the utility for hire.
9 (b) Persons engaged only in agricultural pest control
10 work under permit or license by the Department of
11 Pesticide Regulation or a county agricultural
12 commissioner.
13 (c) Pest control performed by persons upon property
14 that they own, lease or rent, except that the persons shall
15 be subject to the limitations imposed by Article 3 of this
16 chapter.
17 (d) Governmental agencies, state, federal, city, or
18 county officials, and their employees while officially
19 engaged, *except that any employee of a school district*
20 *who performs any structural pest control application at a*

1 *school facility, as defined in Section 17592.6 of the*
2 *Education Code, shall be required to obtain a license as*
3 *a pest control applicator pursuant to Section 8507.1 and*
4 *shall be subject to the requirements of this chapter that*
5 *are otherwise applicable to that activity.*

6 (e) Authorized representatives of an educational
7 institution or state or federal agency engaged in research
8 or study of pest control, or engaged in investigation or
9 preparation for expert opinion or testimony. A
10 professional engaging in research, study, investigation, or
11 preparation for expert opinion or testimony on his or her
12 own behalf shall comply with the requirements of this
13 chapter.

14 (f) Certified architects and registered civil engineers,
15 acting solely within their professional capacity, except
16 that they shall be subject to the limitations imposed by
17 Article 3 of this chapter.

18 (g) Persons engaged in the live capture and removal
19 or exclusion of vertebrate pests, bees, or wasps from a
20 structure without the use of pesticides, provided those
21 persons maintain insurance coverage as described in
22 Section 8692. “Vertebrate pests” include, but are not
23 limited to, bats, raccoons, skunks, and squirrels, but do not
24 include mice, rats, or pigeons. This section does not
25 exempt a person from the provisions of Chapter 1.5
26 (commencing with Section 2050) of Division 3 of the Fish
27 and Game Code.

28 SEC. 2. Section 17592.6 is added to the Education
29 Code, to read:

30 17592.6. (a) (1) A school district, when performing
31 any of the activities related to structural pest control
32 application, as described in Section 8507.1 of the Business
33 and Professions Code, either by using a commercial
34 business enterprise or its own employees, at a school
35 facility, shall ensure that any structural pest control
36 application activity is performed by a structural pest
37 control applicator who is licensed and meets all of the
38 applicable requirements of Chapter 14 (commencing
39 with Section 8500) of the Business and Professions Code.

(2) Any person performing pest control application pursuant to this section shall, in addition to any other applicable reporting requirements, submit a report to the Department of Pesticide Regulation indicating the date, location, and name of the school facility where the activity was performed, and the amount and type of pest control chemicals and substances used.

(b) (1) A school district, when performing landscape or garden maintenance at a school facility, either by using a commercial business enterprise or its own employees shall ensure that any landscape or gardening maintenance is performed by a person who has obtained a pest control business license in the maintenance gardener category by passing the examination required by Section 11704 of the Food and Agricultural Code, and who meets all applicable requirements contained in Chapter 4 (commencing with Section 11701) of Division 6 of the Food and Agricultural Code.

(2) Any person performing landscape or garden maintenance at a school facility pursuant to this section, shall, in addition to any other applicable reporting requirements, submit a report to the Department of Pesticide Regulation indicating the date, location, and name of the school facility, and the amount and type of chemicals or other substances used.

(c) For purposes of this section, a “school facility” means any facility used for kindergarten, elementary, or secondary school purposes. “School facility” includes all buildings or structures, playgrounds, athletic fields, school vehicles, and any surrounding areas of the schoolsite.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime

1 within the meaning of Section 6 of Article XIII B of the
2 California Constitution.

3 However, notwithstanding Section 17610 of the
4 Government Code, if the Commission on State Mandates
5 determines that this act contains other costs mandated by
6 the state, reimbursement to local agencies and school
7 districts for those costs shall be made pursuant to Part 7
8 (commencing with Section 17500) of Division 4 of Title
9 2 of the Government Code. If the statewide cost of the
10 claim for reimbursement does not exceed one million
11 dollars (\$1,000,000), reimbursement shall be made from
12 the State Mandates Claims Fund.

